

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

CARL E. SHIPE, : **CIVIL ACTION NO. 1:21-CV-1316**

: **Plaintiff** : **(Judge Conner)**

: **v.** :

**NATIONWIDE INSURANCE
COMPANY,** :

: **Defendant** :

ORDER

AND NOW, this 23rd day of December, 2021, upon consideration of the report (Doc. 7) of Magistrate Judge Susan E. Schwab, issued following screening review of *pro se* plaintiff Carl E. Shipe's complaint, wherein Judge Schwab recommends the court dismiss Shipe's complaint for failure to plead claims or facts establishing the court's subject-matter jurisdiction, (*see id.* at 2-4), and further recommends the court deny leave to amend as futile, because Shipe has already once been given leave to amend and failed to file an amended pleading, (*see id.* at 4), and it appearing that Shipe did not object to the report, *see* FED. R. CIV. P. 72(b)(2), and the court noting that failure of a party to timely object to a magistrate judge's conclusions "may result in forfeiture of *de novo* review at the district court level," *Nara v. Frank*, 488 F.3d 187, 194 (3d Cir. 2007) (citing *Henderson v. Carlson*, 812 F.2d 874, 878-79 (3d Cir. 1987)), but that, as a matter of good practice, a district court should afford "reasoned consideration" to the uncontested portions of the report, *E.E.O.C. v. City of Long Branch*, 866 F.3d 93, 100 (3d Cir. 2017) (quoting *Henderson*, 812 F.2d at 879), in order to "satisfy itself that there is no clear error on the face of

the record," FED. R. CIV. P. 72(b), advisory committee notes, and, following an independent review of the record, the court agreeing with Judge Schwab's analysis and recommendation, and concluding that there is no clear error on the face of the record, it is hereby ORDERED that:

1. Magistrate Judge Schwab's report (Doc. 7) is ADOPTED.
2. Shipe's complaint (Doc. 1) is DISMISSED without leave to amend.
3. Any appeal from this order is deemed to be frivolous and not taken in good faith. See 28 U.S.C. § 1915(a)(3).
4. The Clerk of Court shall CLOSE this case.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner
United States District Judge
Middle District of Pennsylvania